

a hearing one time I do not smoke, I do not drink, even coffee, I do not gamble, as a matter of fact I do not even fool around with the girls —

*(Laughter.)*

THE CHAIRMAN: The Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: Do you tell the truth?

*(Laughter.)*

DELEGATE DUKES: Whenever it serves my purpose, Delegate Gallagher. I have that in common with the majority. As I was saying, I suppose I am something of a prude. I do not favor a lottery and I am sure if I were in the General Assembly I would vote against it, but I came down here to write a constitution. I do not think that this is any time or place for us to decide what is good or bad for the people of the State of Maryland on specific issues. It is not a broad principle. It is not an item that we need to be concerned about. It would seem to me almost ludicrous that one of the nation's great horse racing states would stand up on its hind legs and cry how sanctimonious we are. We prohibit lottery in the State of Maryland. We have done it before and I do not see that that is any reason to do it again and I think at this point it is time to clean up the constitution a little. Let us stop putting all his trash in and let us put in only those things that are broad principles and leave this little provision out.

I have one final word. I recall that Judge Sherbow said as he opened, it was only twelve little words. He is right. I also recall that it was rumored that Adolf Hitler, as he commenced his invasion said, "Destroy Russia".

*(Vice-President James Clark assumed the Chair.)*

DELEGATE J. CLARK (presiding): Are there any questions of the minority spokesman? The Chair recognizes Delegate Hostetter.

DELEGATE HOSTETTER: I think it is only fair to tell this group something, Delegate Dukes. Ten years ago Delegate Dukes was a rising law student at Duke University and happened to be my business law professor at that time and, professor, your lectures are as good as ever.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Scanlan.

DELEGATE SCANLAN: Delegate Dukes, maybe you could clarify for me and some of the others in the chamber an issue that remains unclarified.

The first issue is this, shall we put something in the constitution to prohibit the General Assembly and the political subdivisions from conducting a lottery, whatever a lottery is, leaving that aside for a minute, either by itself or having a private group conduct that lottery for the State or for the political subdivision. Now, that is a closer issue. But in the questions put to Judge Sherbow, another issue loomed, whether or not the language suggested by the majority if adopted as part of the constitution would place in the hands of the Court of Appeals the right to strike down private lotteries, again whatever they may be, not getting to the definition of lottery. I know a number of questions were directed to Judge Sherbow on this point but he seemed to have a cork for every hole and I never really got the clear intention of the Committee. Was it by this language, even though you disagree with it, Mr. Dukes, and therefore I suppose your views would be so much prejudiced, in your opinion would the language of the majority if adopted by the Convention and put into the constitution, would it prohibit lotteries, whatever lotteries are, lotteries conducted by private groups as opposed to lotteries conducted by the State or its political subdivisions or was this discussed at all in your meetings?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: We discussed generally the area about which you questioned. My memory was not as good as it might have been, but I understood Judge Sherbow to say directly and without equivocation that although the intention of the Committee plainly was not to include bingo, it was the intention of the Committee to include for the State, for all of its political subdivisions and for any type of private operation be it an association, group, organization or an individual, the prohibition against lotteries, whatever that might be as determined by the Court of Appeals. In fairness I think I should add he reiterated time and time again that in his opinion he felt the consensus of the committee opinion was that bingo as currently operated throughout the State would not be so classified by the Court of Appeals but if it were it and all other forms of money raising by private groups if found to be lotteries by the Court of Appeals would be barred by the prohibition before us.